IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE.

NOTICE OF MOTION NO. 2961 OF 2001.
IN
Income-tax Appeal (L) No.723 of 2001.

The Commissioner of Income-tax,
Bombay City XI. ..Appellant.
vs.
M/s Ramnord Research Lab. P.Ltd. ..Respondent.

CORAM: V.C.DAGA &
J.P.DEVADHAR,JJ.
DATED: 11-4-2005.

P.C.

1. This Motion was before us on 12.2.2004. On that day, conditional self-operative order was passed which reads as under :

> "8. Having heard parties, by way of last chance time is granted to the Revenue to file further and better affidavit upto 1st March 2004 with copy to the other side, failure on their part to file proper and better affidavits in all these motions, the same shall stand automatically dismissed, without any further reference to this Court, with no order as to costs.
>
> 9. In the event, proper and better affidavits are filed, the matter be placed on board on 4th March 2004 for further hearing.
>
> 10. S.O. to 4th March 2004."

In view of the aforesaid order; it was incumbent upon the respondent to file proper and better affidavit upto 4th March 2004. However, such affidavit appears to have been filed subsequent to 9th March, 2004. Since additional affidavit has not been filed within

the time prescribed, motion has resulted in automatical dismissal in view of the conditional self-operative order. In this view of the matter, as on date, this motion is not alive. Order accordingly.

. Appeal papers be cosigned to record.

(J.P.DEVADHAR,J.) (V.C.DAGA,J.)

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